

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CEDEAL HARPER,

Plaintiff,

v.

CIVIL ACTION NO. 3:11-00081

DAN O'HANLON,
B. LUKE STYRE,
STEPHEN JARRELL,

Defendants.

ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny with prejudice Plaintiff's Application to Proceed Without Prepayment of Fees and Costs and dismiss with prejudice Plaintiff's Complaint made pursuant to 42 U.S.C. § 1983 in its entirety. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's Application to Proceed Without Prepayment of Fees and Costs [ECF No. 1] and **DISMISSES WITH PREJUDICE** this action consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 16, 2012

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE